IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3576 OF 2005

Shri. Sidram Prabhu Chitte ...Applicant

Vs.

The State of Maharashtra ...Respondent

Shri. A.P. Mundargi with Shri.V.V.Purwant for the Applicant.
Mr.K.V.Saste A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATED : JUNE 27, 2005.

P.C.:

1. Heard Counsel appearing for the parties. This is an Application for grant of anticipatory bail. An offence has been registered against the Applicant under sections 306, 504 and 506 of the Indian Penal Code with Mohol Police Station.

2. The Applicant is a qualified mechanical engineer. The Applicant has set up a private limited company by name Prabhu Rock Shape Pvt. Ltd. The Applicant has established three factories in Solapur district. According to the case of the Applicant, he has 100 persons in the employment of the said Company.

3. One Harishchandra Kadam was an employee of the said Company. On 4th or 5th May, 2005 said

Harishchandra Kadam committed suicide. The case of the prosecution is that the deceased was all along complaining to his wife that the owner of the Company was harassing him. The owner was getting more work done from him and was paying less and was not paying overtime. The case of the prosecution is that the deceased was complaining that the owner was not providing any facilities. The case of the prosecution is that the deceased was reluctant to attend to his duties and only on persuasion of his wife he attended the duty. According to the case of the prosecution, a suicide note was found in which the deceased has alleged that the owner of the Company i.e. the Applicant has harassed him and has not paid dues to the extent of Rs.2,00,000/- and, therefore, he had become indebted. The case of the prosecution is that the deceased got frustrated due to the treatment given to him by the employer and committed suicide.

4. The case of the Applicant is that the deceased was only one of the employee working in his factory and there was a Production Manager, a Production Engineer and a Production Supervisor working in the factory in which the deceased was employed. The case of the Applicant is that he is required to go out of station atleast for ten to twelve days in a month. He has

annexed to the Application a xerox copy of muster roll-cum-wages register maintained by the Company to show that the deceased was regularly paid his dues.

5. The learned A.P.P. has pointed out that after this Court passed ad-interim order on 10th June, 2005, the Applicant has attended the concerned Police Station. He stated on instructions that the Applicant has complied with the order dated 15th June, 2005 passed by this Court by which the Applicant was directed to attend the concerned Police Station from 17.06.2005 to 27.06.2005 everyday from 11.00 a.m. to 3.00 p.m. The learned A.P.P. stated on instructions that the Applicant has co-operated with the Investigating Officer for the investigation.

6. After having perused the F.I.R. and the other material produced by the learned A.P.P., at this stage, it appears that by no stretch of imagination Section 306 of the Indian Penal Code can be invoked against the Applicant. The deceased was employed in a Private Limited Company. It is very difficult to believe that the Applicant who is the alleged owner of the Company was personally paying the wages or salary to his employees and there was any ocassion for the deceased to have personal interaction with the

Applicant.

7. Considering the nature of the offence alleged and the material on record, I am satisfied that it is not the case where custodial interrogation of the Applicant is required. As stated earlier the Applicant has attended the concerned Police Station and has co-operated with the Investigating Officer.

8. Hence, the Applicant is entitled to relief. It must be made clear that this order shall not be construed as any expression of opinion or any finding on merits of the case and all relevant issues will have to be decided at the time of trial.

9. Hence, I pass the following order:

: O R D E R :

i) In the event of arrest of the Applicant in connection with the C.R.No.132 of 2005 registered with Mohol Police Station, District Solapur, the Applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

ii) The Anticipatory bail is granted subject to condition that the Applicant will attend the concerned Police Station as and when called upon to do so by the Investigating Officer.

iii)The Applicant shall be enlarged on bail only on Applicant depositing his passport with the Investigating Officer. If the Applicant does not possess a passport, he will file an affidavit to that effect in this Court within a period of one week from today.

iv) The Anticipatory bail is granted subject to condition that the Applicant will not make any attempt either directly or indirectly to influence or pressurise the prosecution witnesses and to tamper the prosecution evidence.

v) This order will enure to the benefit of the Applicant till the chargesheet is filed.

vi) The Application is disposed of in above terms.

vii) Parties to act upon an authenticated copy of this order.

JUDGE